

RECEIVED

JAN 24 2025

DEPT. OF WATER RESOURCES  
EASTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Ident No. 13-9678

AMENDED

## NOTICE OF DIVERSION AS AN ALTERNATIVE TO INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder Daniel or Jesse Keller Phone 210.215.0433  
Mailing address 6807 E Hwy 36, Preston, ID 83263 Email \_\_\_\_\_
2. Source of water supply Spring tributary to Mink Creek JLK
3. Point of Diversion: 24 Jan 2025

- a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number \_\_\_\_\_

If no, describe the beginning and ending points for the instream stockwater use:

Beginning point is in Gov't. Lot \_\_\_\_\_, SE 1/4 SW 1/4 NW 1/4,  
Section 29, Township 13S Range 41E, B.M.,  
Franklin County.

Ending point is in Gov't. Lot \_\_\_\_\_, SE 1/4 SW 1/4 NW 1/4,  
Section 29, Township 13S Range 41E, B.M.,  
Franklin County.

- b) Alternate point of diversion is in Gov't. Lot \_\_\_\_\_, SE 1/4 SW 1/4 NW 1/4,  
Section 29, Township 13S Range 41E, B.M.,  
Franklin County.

4. Description of diversion and delivery system:

- a) Describe the type of diversion Closed conduit diversion out of spring.
- b) Describe the delivery system Trench dug at the head of the spring with a perforated pipe that feeds into a 4x4 trough with a shutoff valve pursuant to USDA regulations.  
Overflow from shutoff follows the natural path of the spring system pre-development.
- c) Describe the number, type and total capacity of troughs or tanks 4x4 ft trough

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Shutoff valve.
- e) Describe how the system is designed to allow measurement of the rate of diversion Shutoff valve stops water diversion and allows the spring to flow through the natural system.

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

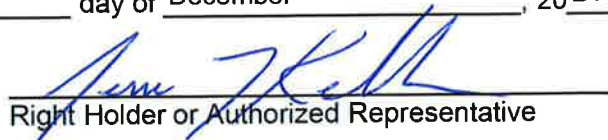
| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| 13S | 41E | 29  |    |    |    |    |    |    | S  |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

6. Priority date claimed or established 12/31/1900
7. Rate of diversion .02 cfs
8. Season of use: from 1/1 to 12/31
9. a) Who owns the property at the point of diversion? Claimant  
b) Who owns the property at the place of use? Claimant
10. When will construction occur? Approximately May 2025
11. Comments (include number and type of stock) 100 head of mixed stock. This property was homestead by my family in approximately 1900 and that is when cattle first began drinking from the spring.
12. Map of project required - Attach an 8½"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative point(s) of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

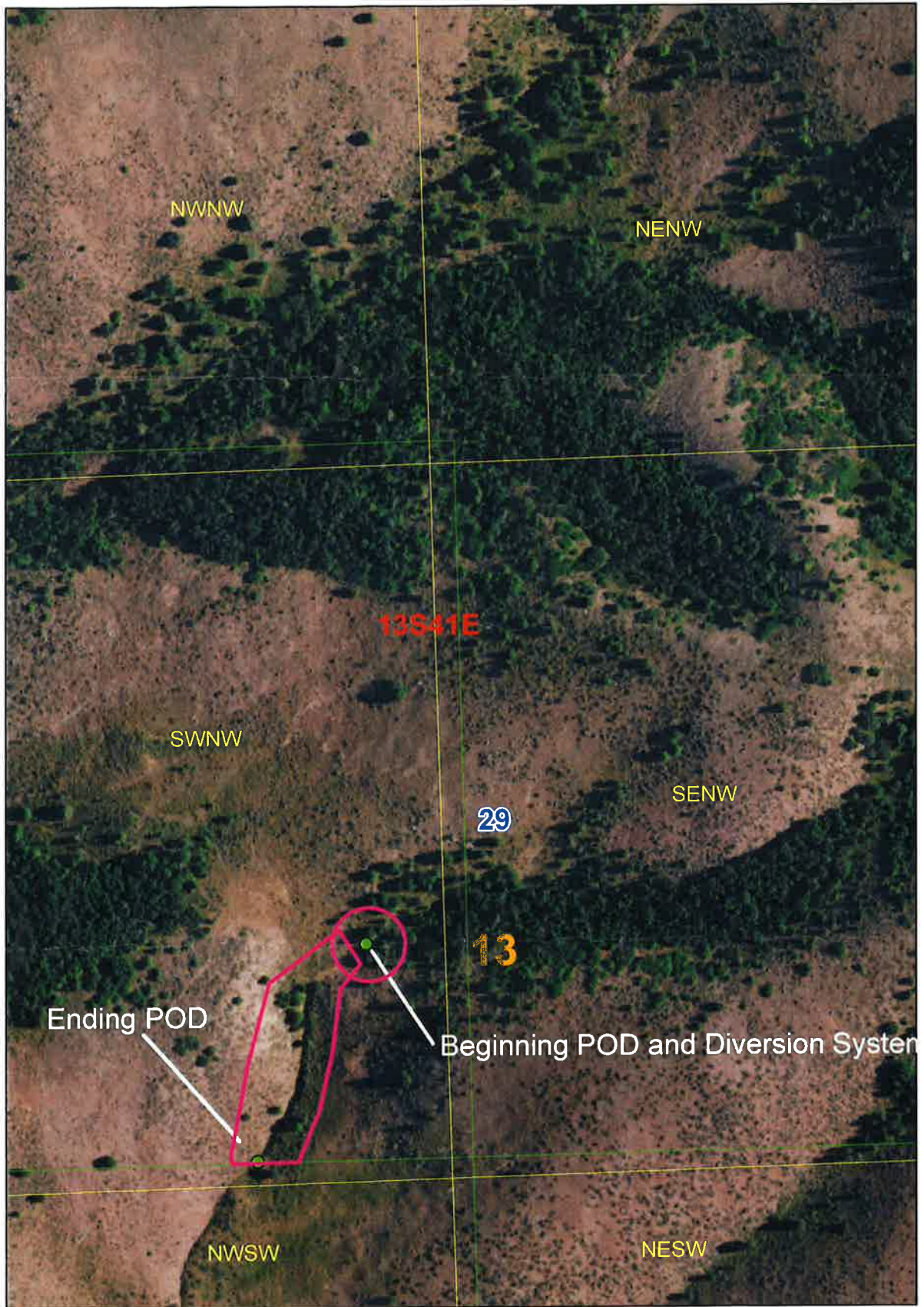
Dated this 24 day of December, 2024

  
Right Holder or Authorized Representative

**FOR DEPARTMENT USE**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
Fee: \$ 35.00 Receipted by CH Receipt No. 1001671 Date 12/24/2024  
Water District No. \_\_\_\_\_ Entered into data base \_\_\_\_\_ By \_\_\_\_\_

# 42-113 Form



Point of Diversion: ●

Place of Use: —

0 115 230 460 Feet



RECEIVED

DEC 30 2024

Form 113  
12/07

DEPT. OF WATER RESOURCES  
EASTERN REGION

Ident No. \_\_\_\_\_

RECEIVED

DEC 24 2024

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

IDWR/Preston

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO  
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder Daniel or Jesse Keller Phone (210) 215-0433

Mailing address 6807 E Hwy 36 Email \_\_\_\_\_

2. Source of water supply Spring tributary to Strawberry Creek

3. Point of Diversion:

a) Is this notice based on an existing recorded instream stockwater right? If yes,  
provide the water right number \_\_\_\_\_

If no, describe the beginning and ending points for the instream stockwater use:

Beginning point is in Gov't. Lot \_\_\_\_\_, SE 1/4 SW 1/4 NW 1/4,  
Section 29, Township 13S Range 41E, B.M.,  
Franklin County.

Ending point is in Gov't. Lot \_\_\_\_\_, SE 1/4 SW 1/4 NW 1/4,  
Section 29, Township 13S Range 41E, B.M.,  
FRANKLIN County.

b) Alternate point of diversion is in Gov't. Lot \_\_\_\_\_, SE 1/4 SW 1/4 NW 1/4,  
Section 29, Township 13S Range 41E, B.M.,  
FRANKLIN County.

4. Description of diversion and delivery system:

a) Describe the type of diversion Closed conduit diversion out of spring.

b) Describe the delivery system Trench dug at the head of the spring with a perforated  
pipe that feeds into a 4x4 trough with a shutoff valve pursuant to USDA regulations.  
Overflow from shutoff follows the natural path of the spring system pre-development.

c) Describe the number, type and total capacity of troughs or tanks 4x4ft trough

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Thursday, January 30, 2025 2:35 PM  
**To:** Fred Price (fwprice@blm.gov); Clark, Trevlyn - FS, UT; Larsen, Tyler - FS, UT  
**Subject:** Notice of Diversion for Instream Stockwater Use: 13-8912, 13-8913, 13-9670, 13-9677, 13-9678, 34-14955  
**Attachments:** 13-8913 Notice of Diversion as an Alternative to Instream Stockwater Use.pdf; 13-9670 Notice of Diversion as an Alternative to Instream Stockwater Use.pdf; 13-9677 Notice of Diversion as an Alternative to Instream Stockwater Use.pdf; 13-9678 Notice of Diversion as an Alternative to Instream Stockwater Use.pdf; 34-14955 Notice of Diversion as an Alternative to Instream Stockwater Use.pdf; 13-8912 Notice of Diversion as an Alternative to Instream Stockwater Use.pdf

TREVLIN CLARK  
USDA FOREST SERVICE

FRED PRICE  
USDI, BLM, IDAHO STATE OFFICE

RE: Notice of Diversion for Instream Stockwater Use

Dear Interested Party:

The Department of Water Resources has received the enclosed Notices of Diversion for Instream Stockwater, submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced numbers in all future correspondence regarding this notice. This notice will be retained in our files and will be available for reference at any time.

If you have questions, please call the department at (208) 525-7161

Thank You,



**Christina Henman**  
Administrative Assistant  
IDWR, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 525-7161



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

January 24, 2025

JESSE KELLER  
6807 E HIGHWAY 36  
PRESTON, ID 83263-4200

DANIEL KELLER  
1120 N FAIRWAY DR  
PRESTON, ID 83263

RE: Water Right Nos. 13-9677 and 13-9678  
Notice of Diversion for Instream Stockwater Use

Dear Water Right Holder(s):

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met.

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional

work is approved by the Director of the Department of Water Resources.

- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the notice for your records. Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Holliday", with a long horizontal line extending to the right.

Michael Holliday  
Water Rights Supervisor

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

1/24/2025

Water Right 13-9677

Owner Type

Current Owner  
Current Owner

Name

JESSE KELLER  
DANIEL KELLER

Priority Date: 12/31/1900

Basis: Statutory Claim

Status: Active

Source

SPRING

Tributary

STRAWBERRY CREEK

Beneficial Use

STOCKWATER

From

01/01

To

12/31

Diversion Rate

0.020 CFS

Volume

Total Diversion

0.020 CFS

Source and Point(s) of Diversion:

SPRING

SWSWNW

Sec. 29, Twp 13S, Rge 41E, FRANKLIN County

Place Of Use:

STOCKWATER within FRANKLIN County

| STOCKWATER WITHIN FRANKLIN COUNTY |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |  |  |
|-----------------------------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|--|--|
|                                   |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |  |  |
| Twp                               | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |  |  |
| 13S                               | 41E | 29  |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |  |  |

Conditions of Approval:

1. 107 This notice was filed in accordance with Idaho Code § 42-113(3). Diversion and use of water in accordance with this notice shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.

Dates and Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 13N

Mitigation Plan: False

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

**1/24/2025**

**Water Right 13-9678**

**Owner Type**

Current Owner  
 Current Owner

**Name**

JESSE KELLER  
 DANIEL KELLER

**Priority Date:** 12/31/1900

**Basis:** Statutory Claim

**Status:** Active

**Source**

SPRING

**Tributary**

MINK CREEK

**Beneficial Use**

STOCKWATER

**From**

01/01

**To**

12/31

**Diversion Rate**

0.020 CFS

**Volume**

**Total Diversion**

0.020 CFS

**Source and Point(s) of Diversion:**

SPRING

SESWNW

Sec. 29, Twp 13S, Rge 41E, FRANKLIN County

**Place Of Use:**

STOCKWATER within FRANKLIN County

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 13S | 41E | 29  |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |

**Conditions of Approval:**

1. 107

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**Dates and Other Information:**

State or Federal: S

Owner Name Connector: OR

Water District Number: 13N

Mitigation Plan: False